

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DYLAN CORRAL,

Plaintiff,

v.

UNKNOWN,

Defendants.

No. 2:23-cv-01240-DJC-EFB (PC)

ORDER

Plaintiff is a county jail inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. On December 20, 2023, the court granted plaintiff's request to proceed in forma pauperis and ordered the Sacramento County Sheriff to provide the court with installment payments from plaintiff's trust account to satisfy the filing fee in this action, as the court is required to do under 28 U.S.C. § 1915(b). ECF Nos. 8, 9.

On September 25, 2024, plaintiff filed a motion seeking to voluntarily dismiss this action and requesting that the revoke his in forma pauperis status and refund the portions of the filing fee collected thus far. ECF No. 13. Plaintiff argues that – having filed three or more actions that have been dismissed as frivolous, malicious, or failing to state a claim – he should never have been afforded in forma pauperis status in the first place. *See* 28 U.S.C. § 1915(g); E.D. Cal. Case Nos. 2:18-cv-1629-TLN-CKD, 2:18-cv-1843-KJM-CKD, & 2:19-cv-0859-JAM-CSK.

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1 However, as plaintiff has been informed by the court in two of the cases he cites, by
2 initiating a civil action, plaintiff is responsible for the filing fee regardless of whether he proceeds
3 in forma pauperis. E.D. Cal. Case Nos. 2:18-cv-1629-TLN-CKD (ECF No. 40), 2:18-cv-1843-
4 KJM-CKD (ECF No. 36). Plaintiff is not entitled to any refund of money received by the court
5 pursuant to the court's December 20, 2023 order.

6 Accordingly, it is hereby ORDERED that:

- 7 1. Plaintiff's September 25, 2024 motion for an order revoking his in forma pauperis
8 status and refunding the filing fee (ECF No. 13) is DENIED;
9 2. Plaintiff's September 25, 2024 motion to voluntarily dismiss this action (ECF No. 13)
10 is GRANTED (Fed. R. Civ. P. 41(a)(1)(A)(i)); and
11 3. The Clerk of Court is directed to close the case.

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13 Dated: November 12, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE